

REMARKS

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-7 and 12-18, drawn to a method of enriching a population of cells which produce an antibody.
- II. Claims 8-9 and 19-20, drawn to an antibody and a pharmaceutical composition comprising the antibody.

Responsive to the Requirement for Restriction, Applicants elect to prosecute the invention of Group I, without traverse, claims 1-7 and 12-18, drawn to a method of enriching a population of cells which produce an antibody.

The Examiner has further set out a species election requirement, to which the claims will be restricted if no generic claim is held to be allowable. The species are deemed by the Examiner to lack unity of invention because they are not so linked as to form a single general inventive concept. In particular, upon election of the invention of Group I, the Examiner requires that Applicant elect a specific method of enriching a population of cells as recited in claims 2-4;

- (i) parts a), b), and c) are performed simultaneously;
- (ii) parts a) and b), or a) and c), or b) and c), are performed simultaneously; OR
- (iii) parts a), b) and c) are performed consecutively in any order.

With regard to this species election requirement, Applicants elect species (iii) parts a) and b), or a) and c), or b) and c) are performed simultaneously. This species is recited in claim 3.

The Examiner further requires a species election in addition to the above, for Applicant to elect a specific method with or without “at least one wash step” as recited in claims 2-4. With regard to this species election requirement, Applicants elect the above specific method, with “at least one wash step”.

In addition, the Examiner requires that Applicant elect a specific method of enriching a population of cells, wherein “part a)” comprises:

- (i) bringing said population into contact with an antibody that recognizes a marker which is essentially unique to those cells present in the population which are capable of producing an antibody, said antibody being attached to a first fluorescent label, OR
- (ii) the step recited above **additionally comprises** bringing said population into contact with an antibody that recognizes a second marker essentially unique to those cells present in the population which are capable of producing an antibody, said antibody being labeled with a third label.

With respect to this above species requirement, Applicants elect (i) bringing said population into contact with an antibody that recognizes a marker which is essentially unique to those cells present in the population which are capable of producing an antibody, said antibody being attached to a first fluorescent label.

Further and lastly, Applicant is required to elect a specific method of enriching a population of cells *with OR without* steps recited in claims 7 and 15-18, a) culturing a plurality of those cells associated with the antigen-antibody-particle complex; b) screening the cultured cells to identify those cells capable of producing an antibody which recognizes an antigen of interest; and c) isolating said antibody directly or indirectly from the cells.

With regard to this requirement, Applicants elect a specific method WITHOUT all the steps recited in claims 7 and 15-18.

No fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

In view of the above, withdrawal of the Requirement for the Restriction is requested, and an early action on the merits of the Claims is courteously solicited.

Respectfully submitted,



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